

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STEPHEN P. HORNFECK,

Plaintiff,

VS.

HUB HARRINGTON, et al.,

Defendants.

2:06-cv-01089-JHH-JEO

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 6, 2006, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous and for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed as frivolous and for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DONE this the 23rd day of October, 2006.

SENIOR UNITED STATES DISTRICT JUDGE